

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DYNAENERGETICS EUROPE GMBH, and
DYNAENERGETICS US, INC.,

Plaintiffs,

v.

NEXTIER COMPLETION SOLUTIONS INC.

Defendant.

Civil Action No: 6:20-cv-01201-ADA

PLAINTIFFS' ANSWER TO DEFENDANT'S AMENDED COUNTERCLAIM

Plaintiffs DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively, "DynaEnergetics"), by and through counsel, hereby respond to the numbered paragraphs of NexTier Completion Solutions Inc.'s ("NexTier" or "Defendant") Amended Counterclaim.

THE PARTIES

1. On information and belief, DynaEnergetics admits that Defendant is a corporation organized under the laws of the State of Delaware, having a principal place of business at 3990 Rodgerdale Road, Houston, Texas 77042.

2. DynaEnergetics admits the allegations in Counterclaim Paragraph 2.

3. DynaEnergetics admits the allegations in Counterclaim Paragraph 3.

JURISDICTION AND VENUE

4. DynaEnergetics admits that Defendant's Counterclaim purports to set forth a federal claim under 28 U.S.C. §§ 1331, 1338, 2201 and 2201 but denies that Defendant's claim is meritorious.

5. DynaEnergetics admits that personal jurisdiction is proper in this judicial district for purposes of this case. Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 5.

6. DynaEnergetics admits that venue is proper in this judicial district for purposes of this case. Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 6.

FACTUAL BACKGROUND

7. DynaEnergetics restates and incorporates each of its responses in the preceding paragraphs as if fully stated herein.

8. DynaEnergetics admits the allegations of Counterclaim Paragraph 8.

9. DynaEnergetics denies the allegations of Counterclaim Paragraph 9.

10. DynaEnergetics admits that an actual controversy exists regarding Defendant's infringement of U.S. Patent No. 10,844,697 (the "'697 Patent"). Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 10.

FIRST COUNTERCLAIM: DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 10,844,697

11. DynaEnergetics restates and incorporates each of its responses in the preceding paragraphs as if fully stated herein.

12. DynaEnergetics admits that an actual controversy exists regarding Defendant's infringement of the '697 Patent. Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 12.

13. DynaEnergetics denies the allegations of Counterclaim Paragraph 13.

14. DynaEnergetics denies the allegations of Counterclaim Paragraph 14.

15. DynaEnergetics denies the allegations of Counterclaim Paragraph 15.

**SECOND COUNTERCLAIM: DECLARATORY JUDGMENT OF
INVALIDITY OF U.S. PATENT NO. 10,844,697**

16. DynaEnergetics restates and incorporates each of its responses in the preceding paragraphs as if fully stated herein.

17. DynaEnergetics admits that an actual controversy exists regarding NexTier's infringement of the '697 Patent, but DynaEnergetics states that the '697 Patent is not invalid. Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 17.

18. DynaEnergetics denies the allegations of Counterclaim Paragraph 18.

19. DynaEnergetics denies the allegations of Counterclaim Paragraph 19.

20. The allegations in Counterclaim paragraph 20 call for a legal conclusion to which no response is required. To the extent a response is required, DynaEnergetics denies the allegations of Counterclaim Paragraph 20.

21. DynaEnergetics admits that the preamble of Claim 1 of the '697 Patent contains the phrase "[a]n electrical connection assembly for establishing an electrical connection in a tool string, the connection assembly comprising" Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 21.

22. DynaEnergetics admits that Claim 1 of the '697 Patent contains the phrase "a tandem seal adapter having a first end, a second end and a bore that extends from the first end to the second end and entirely through the tandem seal adapter." Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 22.

23. DynaEnergetics admits that Claim 1 of the '697 Patent contains the phrase "a perforation gun system comprising a first outer gun carrier, a shaped charge, and a first detonator, wherein the shaped charge and the first detonator are positioned within the first outer

gun carrier, wherein the first outer gun carrier is connected to the first end of the tandem seal adapter.” Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 23.

24. DynaEnergetics admits that Claim 1 of the ’697 Patent contains the phrase “a pressure bulkhead having an outer surface, a first end and a second end, the outer surface of the pressure bulkhead is sealingly received in the bore of the tandem seal adapter.” Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 24.

25. DynaEnergetics admits that Claim 1 of the ’697 Patent contains the phrase “the pressure bulkhead also having a pin connector assembly extending through the pressure bulkhead from a first pin connector end to a second pin connector end, and configured to relay an electrical signal from the first end of the pressure bulkhead to the second end of the pressure bulkhead, wherein the first pin connector end extends beyond the first end of the pressure bulkhead and the second pin connector end extends beyond the second end of the pressure bulkhead.” Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 25.

26. DynaEnergetics admits that Claim 1 of the ’697 Patent contains the phrase “wherein the first detonator is in electrical communication with the pin connector assembly.” Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 26.

27. DynaEnergetics admits that Claim 1 of the ’697 Patent contains the phrase “wherein the tandem seal adapter and the pressure bulkhead are configured to provide a seal between the detonator and an environment on the second end of the tandem seal adapter.”

Except as expressly admitted, DynaEnergetics denies the remaining allegations of Counterclaim Paragraph 27.

28. DynaEnergetics denies the allegations of Counterclaim Paragraph 28.

29. DynaEnergetics denies the allegations of Counterclaim Paragraph 29.

PRAYER FOR RELIEF

DynaEnergetics denies that Defendant is entitled to any relief whatsoever, including but not limited to the relief requested in Paragraphs A-G of Defendant's Prayer for Relief.

DEMAND FOR JURY TRIAL

Defendant's demand for a jury trial does not require a response by DynaEnergetics. However, as stated in DynaEnergetics' Complaint (Dkt. 1), DynaEnergetics respectfully requests a trial by jury of any issues so triable.

Dated: June 30, 2021

Respectfully submitted,

By: /s/Eric H. Findlay

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above has been served electronically on all counsel of record via the Court's ECF system on June 30, 2021

/s/Eric H. Findlay
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